



Statement By Senator Feinstein  
On Nsa Warrentless Domestic Surveillance

May 11, 2006

*Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) expressed growing concern today that the Bush Administration is moving toward a major Constitutional confrontation with Congress over its warrantless domestic surveillance program and other activities by the National Security Agency.*

*The debate before the committee came in the wake of a story in USA TODAY disclosing that the NSA has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth.*

**The following is an excerpt of comments by Senator Feinstein to the Judiciary Committee during debate on a bill by the Committee Chairman, Senator Arlen Specter (R-Penn.) and other issues relating to NSA programs:**

“I believe we are on our way to a major Constitutional confrontation on Fourth Amendment guarantees of unreasonable search and seizure. I think this is also going to present a growing impediment to the confirmation of General Hayden (to be CIA Director). And that is very regretted.

The refusal to brief the entire Intelligence Committee of both houses is actually indefensible in view of the way the situation is emerging. The discussion not to go to Foreign Intelligence Surveillance Court for content collection warrants is inexcusable. As more and more of the program drifts into the public domain, it becomes increasingly difficult to believe that any potential or actual terrorist doesn't know about it.

Americans are coming to know about the program, without any context, either historic or programmatic. I believe that is extraordinarily dangerous because they are left to deduce on their own, perhaps very incorrectly, what the program is. Therefore, they make improper judgments.

There is one basic in all of this. And that is that domestic surveillance of Americans, regardless of who is on one end of the phone or where they are, must be by individual warrant by a court on a showing of probable cause. That's the exclusive standard in FISA. The Administration has chosen to disregard this law. For the life of me, I do not understand why.

I do not understand the legal judgments that were made, apparently, by a large number of people. I do not understand the Attorney General's rationale. I do not understand why FISA was not attempted, and if there was an administrative delay, why the delay wasn't corrected.

I do not understand why the Administration has not sent to us amendments that would make FISA more workable. We've amended FISA twice in amendments to the PATRIOT Act. That's not very difficult to do. And so as one member of this subcommittee, I have been very perplexed, based on what we've learned, why this particular path has been chosen.

I think it's a very dangerous path. It seems that the Administration is unchangeable about briefing the committee, about going to individual warrant.

The problem I have with Senator Specter's bill is that we end up with programmatic warrants, which I think for all time is a very bad standard because it's a lessening of the protection of the individual which is guaranteed to us by the Fourth Amendment of the Constitution of the United States."

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